

Bulletin

Special Bulletin #8

Bulletin No. 920-4

Washington, D. C. 20415

November 22, 1978

SUBJECT: Initial Position Allocations

Heads of Departments and Independent Establishments:

Attached is guidance to agencies on requesting from the Office of Personnel Management initial allocations of supergrade positions and of noncareer SES appointments.

The Civil Service Reform Act provides that the OPM establish numbers of positions which may be placed in

- 1) the Senior Executive Service,
- 2) GS-16, 17, and 18 outside the SES, and
- 3) non-GS supergrade equivalent scientific and professional positions for carrying out research and development.

The Act repeals most agency authority to place positions in GS-16, 17, or 18 and to establish scientific or professional positions at these grade-level equivalents outside the General Schedule. (The Attorney General has previously ruled that the term "professional" is to be interpreted as encompassing administrative positions. We are seeking definitive guidance on what agency authorities are repealed, but it appears that the Congressional intent was to make a very general repeal of agency authorities. We will inform you if there is a change in this interpretation.) The section of the Act which provides for the above takes effect on April 11, 1979. (Technically, if the incumbent as of October 12, 1978 remains in the position the authority is not revoked. The practical effect is that the OPM may not authorize fewer positions than are now encumbered.)

The Act also provides that there be biennially a regular authorization by OPM to agencies of a number of SES positions for each of the two following fiscal years with the possibility of interim adjustment of these numbers if needs change. The first regular biennial authorization will take effect on October 1, 1981 with agency requests to OPM being made probably in September 1980. This means that the initial allocations made for conversion to SES will be in effect from April 11, 1979 to October 1, 1981, although adjustments may be made during that 2 1/2 year period.

Inquiries: Bureau of Executive Personnel, Planning and Analysis Section (202) 632-6820

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In addition to allocation of SES and supergrade strength, the OPM is required annually to allocate the proportion of noncareer appointments, by agency, and government-wide and to assume that the government-wide minimum number of Career Reserved positions fixed by statute (Sec. 3133(e) of the Act) is maintained or exceeded. The first regular noncareer allocation will take effect October 1, 1979. Initial conversion allocations take effect on April 11, 1979.

The OPM must report to Congress, first in January 1981, (among other information):

- the current and projected numbers of SES positions authorized, by agency,
- the current authorized number of noncareer appointments, by agency,
- the position titles and descriptions of SES positions currently established,
- numbers of career, limited term, limited emergency, and noncareer appointees, by agency, in the preceding fiscal year.

At the time of conversion to the SES, the OPM must publish in the Federal Register the titles of all SES positions authorized.

If you foresee difficulties in following the outlined procedures, please inform us as promptly as possible. However, because of the extremely short time frame, agencies cannot wait for final instructions before they begin planning. We suggest that you act on these procedures in this form. If significant changes are made, we will notify you. Even if your comments cannot be taken into consideration for initial allocations, they will help us in formulating instructions for the permanent position budgeting process.


Raymond Jacobson
Executive Director

Attachment

Initial OPM Allocation to Agencies of SES strength, other GS strength, non-GS scientific and professional strength, and Non-career appointments.

1. Each agency must review all positions at GS-16, 17, and 18 and equivalent, positions at GS-15 and equivalent which should be classified at GS-16, and all positions at Executive Levels V and IV not requiring Senate confirmation.

2. Of the positions identified in (1) above those meeting the supervisory/managerial/executive criteria must be identified as SES. (CSC Bulletin 920-1)

3. No later than January 1, 1979, each agency must forward to the Office of Personnel Management a request for numbers of:

- 1) initial SES positions,
- 2) non-SES, non-GS scientific and professional positions at the supergrade level, and
- 3) non-SES GS-16, 17, and 18 positions.

The request must also include a proposed number of SES non-career appointments and a proposed number of SES career-reserved positions (dealt with in an earlier paper). (CSC Bulletin 920-2)

4. The requested numbers of SES positions, of non-SES GS-16, 17, and 18 positions, and of non-SES non-GS supergrade equivalent scientific and professional positions must be sufficient to permit conversion to SES or continuation of all incumbents whom the agency does not intend to terminate before conversion (under present laws, rules, and regulations).

5. The OPM will automatically approve numbers for all three groups sufficient to permit supergrade and Executive Level V and IV incumbents to convert to SES or to remain in non-SES positions.

6. Positions now at the GS-15 level which the agency believes are properly supergrade must be listed, described, and accompanied by a brief justification of the proposed supergrade classification for OPM review. Although existing numerical limitations have been lifted, new ones have been imposed. Agencies should apply rigorous standards in requesting upgrading of positions now at GS-15.

7. Since the initial authorization will be in effect for 2 1/2 years before the first regular biennial authorization is made, agencies should also consider insofar as is possible, major program innovations or expansions planned during that period, and request sufficient SES strength to staff these programs. It will be necessary to describe the program, to explain what is required to authorize it (e.g., law, executive order, agency initiative), and to at least roughly outline the organizational structure and proposed use of the requested number of executives. The law permits OPM to adjust initial allocations during their 2 1/2 year life. Therefore, only rather definitely projected new needs should be included in the initial requests.

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8. Each agency will also have to request a number of noncareer appointments to be made in the SES. This should be based generally on the number now authorized since the law rather strictly limits the proportion of noncareer executives both government-wide and by agency. Some small increases may be possible for some agencies, but no agency may request more than 25 percent noncareer (unless a larger number was authorized on October 13, 1978). Since it will be necessary to make a regular noncareer allocation to agencies effective on October 1, 1979, in requesting initial authorizations, agencies need not project future needs -- the initial allocation will be in effect just under 6 months. For the initial noncareer allocation, OPM will not require justification if the agency requests its existing noncareer strength. Proposed increases will, however, have to be justified either in terms of increased program needs for noncareer or by justification of individual General positions proposed to be filled by noncareer.

9. For the initial allocation of numbers of SES and other supergrade authorities and for initial SES noncareer numbers, the following information must be furnished to OPM by January 1, 1979:

- agency organization chart(s), showing all Executive Level and supergrade level positions (including positions which the agency believes should be classified at GS-16), annotated to show which are in SES
- a position listing, showing present title and grade (if GS or graded equivalent) or salary (if ungraded) of each established position to be designated SES; should also indicate present designation as competitive, NEA, excepted by law, Schedule A, etc. and proposed SES category Career Reserved or General
- number of projected positions requested and justification (see 7 above)
- number of noncareer appointments requested and justification of new requests (see 8 above)
- numerical summaries showing requests for:
 - o number of SES positions (including number of Career Reserved)
 - + number now established at supergrade or above (including number of Career Reserved)
 - + number now established at GS-15 or equivalent (including number of Career Reserved)
 - + number of projected positions (see 7 above)
 - o number of GS-16, 17, and 18 positions outside SES (this number does not include SES positions the incumbents of which do not convert; these positions are SES and are counted as such)
 - o number of non-SES, non-GS supergrade scientific and professional positions in research and development
 - o number of noncareer SES appointment authorities.

10. OPM will authorize for each agency no later than March 1, 1979, a number of SES positions, a number of non-SES GS-16, 17, and 18 positions, a number of non-SES, non-GS supergrade equivalent scientific and professional positions in research and development, a maximum non-career number, and a minimum number of Career Reserved. This will enable agencies to make conversion offers by March 15, 1979.

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